



COLORADO LAWYER ASSISTANCE PROGRAM

The Risks of Being Judgmental

“The ability to observe without evaluating is the highest form of intelligence.” ~ Jiddu Krishnamurti

Practicing the law requires skills that relate to making judgments: analysis, synthesis, problem solving, research, writing, and critical thinking. These skills, and the ability to “think like a lawyer,” are engrained in law school and become second nature for a practicing attorney. The outcome of the decisions that lawyers make on a daily basis can have high stakes. Because there is so much riding on a lawyers’ ability to make quick, discerning decisions, many lawyers spend the majority of their time, in and out of the office, using the parts of the brain that are needed for such skills. As a result, many lawyers have a hard time “turning off” that way of thinking.

The more we practice certain styles of thinking, the more the brain becomes accustomed to that pattern and using the parts of the brain associated with it. A natural by-product is other parts of the brain begin to atrophy. Thankfully, neurogenesis (regeneration of the brain) can occur in most cases. While the old adage “use it or lose it” is usually incorrect, we still have to make the effort to use various parts of the brain or those areas can be harder to access. The brain, like human behavior and the emotions we experience on a daily basis, can fall into a rut. If we can’t “turn off” our critical thinking skills and ability to make judgments at the end of the workday, that pattern of thinking has to be directed and used. The result is that we can become critical and judgmental of ourselves and those around us, such as our friends and family. In addition, being judgmental of ourselves or others produces chemicals and hormones in the body that compromise the immune system and, over time, leave us vulnerable to disease and illness.

It can be difficult to know the difference between using critical thinking skills and being critical in general, or making judgments and being judgmental. Generally speaking, if we experience the following, we are most likely being critical and judgmental:

1. Have a strong emotional reaction to the situation;
2. Believe that what someone else has done or said should be different;
3. Experience thoughts that come from an “us vs. them” type of mentality;
4. Experience self-depreciating thoughts;
5. Have a difficult time accepting “what is;”
6. Find yourself comparing yourself to others; and/or

7. Believe that the people around us should intuitive know what we are thinking, or what we need, and become angry with them when they don't "read our mind."

The first step is to become aware of our thought patterns and what skills we are using in different circumstances. At work, a lawyer might need to engage in an adversarial process to zealously represent his or her client. At home, however, engaging in an adversarial process with friends or family can destroy relationships. When you are finished with work for the day, don't just put down the brief or turn off the computer. Also put down the critical thinking and judging part of your brain. Start exercising the compassionate, understanding, cooperative, and fair parts of your brain. Rather than continuing to problem solve and negotiate even after you leave the office, start listening and asking thoughtful questions of your friends and family at home. You would be surprised how much happier you will become when you find that your brain, your personality, and your behaviors can be multi-dimensional and creative rather than static and predictable.

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